



W.P.Nos.4161 & 4166 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.4161 & 4166 of 2022

and

W.M.P.Nos.4299 & 4308, 4310, 4312

Vithyaa Raajamanickam

...Petitioner in W.P.No.4161 of 2022

1. Subbannan

2. Gnana poongothai

...Petitioners in W.P.No.4166 of 2022

Vs.

1. The District Registrar,
Coimbatore-18.

2. The Sub Registrar,
Periya Nagamam,
Pollachi,
Coimbatore District.

3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Race Course Road,
Coimbatore.

... Respondents in both W.Ps

Prayer in W.P.No.4161 of 2022 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned communication of the 3rd



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respondent in Na.Ka.No.1250/2011/16/A7 dated 12.07.2012 and quash the same with respect to the property in Survey No.71/2 in Thopampatti Village, Pollachi Taluk, Coimbatore District and consequently direct the 3rd respondent to register any document presented before him pertaining to the above said property without reference to the Impugned Communication of the 3rd respondent.

Prayer in W.P.No.4166 of 2022 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned communication of the 3rd respondent in Na.Ka.No.1250/2011/16/A7 dated 12.07.2012 and quash the same with respect to the property in Survey No.71/3 in Thopampatti Village, Pollachi Taluk, Coimbatore District and consequently direct the 3rd respondent to register any document presented before him pertaining to the above said property without reference to the Impugned Communication of the 3rd respondent.

In both W.Ps

For Petitioners	: M/S.V.S.Usharani
For R1 and R2	Mr.Yogesh Kannadasan Special Government Pleader
For R3	: Mr.Arun Narayanan

COMMON ORDER

The petitioners have filed these writ petitions for issuance of writ of Certiorarified Mandamus to call for the records pertaining to the Impugned communication of the 3rd respondent in Na.Ka.No.1250/2011/16/A7 dated 12.07.2012 and quash the same with respect to the property in Survey



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No.71/2 and 3 in Thopampatti Village, Pollachi Taluk, Coimbatore District and consequently direct the 3rd respondent to register any document presented before him without reference to the Impugned Communication of the 3rd respondent.

2. The case of the petitioners is that the 3rd respondent-The Assistant Commissioner had issued impugned communication dated 12.07.2012 to the 1st and 2nd respondents and requested them not to entertain any document in respect of the temple properties. On the reliance of the said communication, the 1st and 2nd respondents have not entertained the petitioners document, for which the present Writ Petitions have filed.

3. The learned counsel for the petitioners would submit that the disputed property owned by the petitioners in Survey Nos.71/2 and 71/3 in respective Writ Petitions, Thopampatti Village, Pollachi Taluk, Coimbatore District was originally subjected to Inam proceedings and by an order dated 11.04.1967 of the Settlement Tahsildar, Gobichettipalayam, after due inquiry Ryotwari Patta was granted in favour of the petitioners in the year 1967 itself and the petitioners are in absolute possession and enjoyment of the said property, which was not challenged by the 3rd respondent or by any other



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person. Though, the impugned order did not reveal the petitioners property,

However, based on the said order, the 1st and 2nd respondents have refused to entertain the document. Hence, the present Writ Petitions are filed.

4. The learned Special Government Pleader for respondents 1 and 2 would submit that if any document is presented, the document will be entertained, after issuing notice to the Competent Authority of the HR&CE Department and the appropriate order will be passed.

5. The learned counsel appearing for the 3rd respondent would submit that this is a general instruction issued by the 1st and 2nd respondents, not to entertain any document in respect of the temple property and further he claims that the subject property belongs to Arulmigu Vinayagar Temple, Thopampatti and therefore, he had requested not to register any document relates to the Temple property vide the impugned order, without the permission of the Competent Authority of the HR & CE Department and hence, there is no error in passing the impugned order and prays for dismissal of these petitions.

6. In view of the above, if the petitioners presented any document,



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the document may be entertained only after issuance of notice to the 3rd respondent. Thereafter, the 2nd respondent will conduct an enquiry and pass appropriate orders. On the mere apprehension, the petitioner have challenged the impugned order. Infact, the impugned order which issued by the 3rd respondent is only a general instructions, requesting the 1st respondent not to entertain any documents in respect of the temple properties. Further, the petitioners' property is not annexed with the impugned order. Hence on the mere apprehension, the present Writ Petitions are filed.

7. For the reasons aforesaid, the prayer sought for in the present petitions cannot be granted. However, liberty is granted to the petitioners to present the document before the 2nd respondent and if such document is presented, the 2nd is directed to issue notice to the 3rd respondent and deal with the document in accordance with the Registration Act.

8. With the above direction, these Writ Petitions are disposed of.
No Costs. Consequently, connected miscellaneous petitions are closed.

28.02.2022

Index : Yes / No
Internet : Yes / No
Speaking order / Nonspeaking order
jd/sk



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M.DHANDAPANI, J.

jd/sk

To

1. The District Registrar,
Coimbatore-18.
2. The Sub Registrar,
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